

MID-WEST ELECTRIC CONSUMERS ASSOCIATION



October 16, 2006

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EXECUTIVE DIRECTOR

Ms. Rose Hargrave
Policy Director
CENWD-PDM
12565 West Center Road
Omaha, NE 68144-3869

Dear Ms. Hargrave:

The Mid-West Electric Consumers Association (Mid-West) appreciates the opportunity to comment on the "Proposed Framework for Establishing the Missouri River Recovery Implementation Committee."

Mid-West was founded in 1958 as the regional coalition of over two hundred consumer-owned electric utilities (rural electric cooperatives, municipal electric utilities, and public power districts) that purchase hydropower generated at federal multi-purpose projects in the Missouri River basin under the Pick-Sloan Missouri Basin Program (Pick-Sloan). Mid-West's members serve some three million consumers in the nine states of Pick-Sloan (Montana, Wyoming, Colorado, North Dakota, South Dakota, Kansas, Nebraska, Iowa, and Minnesota).

As federal power customers, Mid-West's members have a vital interest in the operations of the Missouri River mainstem dams. Federal hydropower customers bear the financial impacts of changes in operations, as well as paying a share of the costs of recovery efforts for threatened and endangered species. As community-based organizations, Mid-West's members also have a vital interest in the ecological and economic well-being of the region.

Mid-West's concerns focus on the process proposed in the Proposed Framework and the categorization, composition and selection of representatives in the Missouri River Recovery Implementation Committee (MRRIC).

The process suggested by the Proposed Framework is far too long and repeats much of the work conducted last year in the Plenary Group convened by the U.S. Army Corps of Engineers.

The Proposed Framework proposes a three phase approach in developing MRRIC. Phase One is the Federal Working Group (FWG) development of the Proposed Framework. Phase Two calls for selection of representatives of a Planning Group, which will be responsible for developing a charter for MRRIC. Finally, Phase Three will establish and convene MRRIC.

The entire process outlined in the Proposed Framework seems more fitted to an academic exercise and repeats many of the same exercises the Plenary Group went through, with varying degrees of success. The interest groups and issues surrounding adaptive management on the Missouri River are well known. The process needs to move forward.

Mid-West does not see the need for the Planning Committee (Phase Two) of this process and is concerned that it could be counterproductive to threatened and endangered species recovery efforts.

The basic charter of MRRIC should be determined by federal interests. There are many issues surrounding management of the Missouri River. The Plenary Group spent many hours discussing problems along the Missouri River. However, MRRIC's responsibilities are limited to recovery of threatened and endangered species. Other concerns, however laudable, would not be properly before MRRIC. Federal funding is for species recovery, not addressing all the issues surrounding management of the Missouri River.

Thus, the core of the charter is not really open to debate. The Plenary Group grappled with this issue for almost a year without agreement. To open discussions of development of adaptive management structure with a debate over the mission will be divisive and counterproductive.

Details of MRRIC operations can surely be dealt in a rapid and expeditious manner. As proposed, the Planning Group would have up to nine months to develop a charter. Perhaps it is too fine a point, but the Philadelphia Convention that drafted the Constitution of the United States of America convened in May, 1787 and finished its work in September, 1787 – four months.

The composition and selection of members of the Planning Group or MRRIC needs to be re-examined.

The FWG should not make appointments to MRRIC. As proposed, the Federal Working Group would select non-governmental representatives, while governmental

representatives would be appointed by their respective agencies. To do so invites accusations of creating a “rubber stamp” committee for federal decisions. Nor does the FWG have the expertise to determine the best representatives for any non-governmental group. Since MRRIC is being organized under the authority of the Secretary of the Interior, representatives should be appointed by the Secretary of the Interior.

The composition of MRRIC is also troublesome. In an effort to be all inclusive, the Proposed Framework has created a variety of interests to be represented, but without clear distinctions between the groups. Without clear definitions and distinctions among representative groups, some interests could be over-represented, skewing membership and precluding balance among committee members.

As proposed, not all project purposes of Pick-Sloan are represented, and the representation among stakeholders is skewed. Flood Control and Municipal and Industrial water (M&I) – both Pick-Sloan project purposes – are absent. Agricultural interests are allocated four seats, while power is limited to two seats, which is supposed to accommodate hydropower and thermal generator interests. Local governments are limited to two seats as well. Representation of “river-focused community groups” and “at-large” membership is also proposed.

Ensuring broad representation while maintaining a workable committee size is a difficult undertaking. A more balanced composition of the committee, however, is essential. Power should be allocated four seats so that both upstream and downstream interests are adequately represented. If an M&I category were included, thermal plants and municipalities with water supply/water quality concerns could be represented there.

While we do not oppose representation of river-focused community groups, Mid-West thinks that this is a duplication of recreation and environmental/conservation representation. Similarly, the need for at-large representation is not adequately defined.

The development of MRRIC needs to be expedited. As proposed, MRRIC would not be in place until early 2008, which means that the Corps would be addressing two potential spring rises without MRRIC. During deliberations of the Plenary Group, biologists repeatedly stressed the urgent need for action. The process envisioned by the FWG fails to reflect that concern and deprives stakeholders of meaningful involvement in adaptive management for almost two years.

Mid-West recognizes the difficult task confronting the Corps and appreciates the opportunity to provide input in the process. Mid-West looks forward to working with the Corps, other federal agencies, and stakeholders in developing an adaptive management approach for the Missouri River that meets the needs of threatened and endangered species and balances the economic interests of the region.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas P. Graves". The signature is written in a cursive style with a large initial 'T' and 'G'.

Thomas P. Graves
Executive Director